

Appl. No. 10/052,733
Atty. Docket No. G-262M (CP-1221)
Amdt. Dated June 18, 2004
Reply to Office Action of February 19, 2004
Customer No. 27752

Remarks

Claim 1 is pending in the present application. No additional claims fee is due.

Response to the Office Action

The Rejection under 35 U.S.C. 103(a) over Vayssie

Claim 1 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Vayssie et al. (U.S. Patent No. 5,073,174 – hereinafter “Vayssie”). Applicants respectfully traverse this rejection, as the Vayssie not establish a *prima facie* case of obviousness. Specifically, Vayssie does not teach or suggest all of Applicants’ claim limitations, as required under MPEP 2143.03. Therefore, a *prima facie* case of obviousness has not been established.

The Vayssie reference discloses dye precursors and dyeing agents for the dyeing of keratinous fibers such as hair. Vayssie discloses 2-hydroxymethyl-4-aminophenol and 2-(beta-hydroxyethyl)-4-aminophenol as hair dye precursors. Vayssie does not disclose Applicants claimed 4-Amino-2-(1-hydroxy-ethyl)-phenol. The Office Action states that one skilled in the art would expect the recited compound to have similar properties to that disclosed in Vayssie. Applicants respectfully traverse this rejection, as the compound of the present invention differs structurally from the Vayssie compound, such that the two compounds would not be expected to have similar properties. Specifically, the compound disclosed in Vayssie is a primary alcohol, while Applicant’s compound is a secondary alcohol. Further, Applicant’s compound provides ideal 6-membered internal H-bonding between two hydroxyl groups, so that dyes formed become photochemically more stable than 2-hydroxyethyl p-aminophenol which provides unfavorable 7-membered internal hydrogen bonding.

Thus, the Vayssie reference does not teach or suggest the compound of the present invention. Further, one skilled in the art would not have expected the compound of the present invention to have similar properties to that disclosed in Vayssie. Accordingly, Claim 1 is novel and unobvious over the prior art of record and any modification thereof.


Conclusion

Applicants have made an earnest effort to distinguish the present invention from the applied reference. WHEREFORE, Applicants respectfully request reconsideration of this application and allowance of Claim 1.

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Respectfully submitted,

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